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OFFICE OF PETITIONS

In re Application of
Kang, et al.
Application No. 10/684,852
Filed: October 14, 2003
Attorney Docket No. 2000-0141Con
For: PSÉUDO-CEPSTRAL ADAPTIVE
SHORT-TERM POST-FILTERS FOR
SPEECH CODERS

DECISION ON
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed February 5, 2004, requesting that Figures 2 and 3 be accorded a filing date of October 14, 2003.

The application was filed on October 14, 2003. On January 20, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that Figures 2 and 3, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 2 and 3 be accorded a filing date of October 14, 2003 on the basis that 9 sheets of formal drawing figures, including Figures 2 and 3, were received in the Patent and Trademark Office (PTO) on October 14, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 14, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 9 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 9 sheets of formal drawing figures were filed on October 14, 2003. MPEP 503. A review of the application file reveals that there are 7 sheets of drawing figures present. The missing sheets of drawings correspond to that which would have contained Figures 2 and 3.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, the petition fee will be credited to deposit account no. 50-2960.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 14, 2003**, using the copy of Figures 2 and 3 submitted with the instant petition. Office records will be corrected to show that 9 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
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